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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,133	09/08/2003	Gary Naden	241112US20	8667

22850 7590 10/12/2005

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EXAMINER

ZANELLI, MICHAEL J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,133

Applicant(s)

NADEN ET AL.

Examiner

Michael J. Zanelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-28, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 33-35 is/are objected to.
- 8) ☒ Claim(s) 29, 30 and 32 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/25/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This is responsive to the amendment filed 8/18/05. Claims 1-5, 7-30 and 32-37 are pending.
2. The IDS filed 8/25/05 has been considered.
3. Since claim 1 is not allowable for the reasons detailed below, dependent claims 29, 30 and 32 are withdrawn from further consideration as being drawn to a non-elected invention (see previous Office action).
4. Applicant is requested to amend the specification/drawings to include the subject matter incorporated by reference to U.S. Patent No. 4,977,577 (see amendment, pages 10-11).
5. Claims 8, 9, 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. As per claims 8 and 9, the claims are inconsistent with amended claim 1 in that claim 1 has been amended to define the interval schedule as randomly varied whereas claims 8 and 9 define fixed intervals.
 - B. As per claim 14, "the configuration parameters" lacks antecedence (see claim 5).
 - C. As per claim 15, "the external data unit" lacks antecedence (see claim 5).
6. The allowability of claims 10 and 25 are hereby withdrawn in view of newly cited prior art. Claims 33-35 remain allowable for the reasons set forth in the previous Office action.
7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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8. Claims 1-5, 7-28, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al. (6,559,769) in view of Beken (6,552,652), Vaddiparty et al. (US 2004/0147220), Guthrie et al. (5,844,482) and Hamel et al. (2004/0078662).

A. As per claims 1, 22 and 37, Anthony discloses a monitoring device configured to monitor the status of a mobile asset from a remote location. As shown in Fig. 7, a mobile unit (5) receives signals from GPS satellites (32) to determine location using an on-board receiver, a transmitter for transmitting location information via a communication satellite (3) (col. 10, lines 7-10) and a battery operated controller (CPU) (col. 10, lines 31-43) with power management capabilities (col. 12, lines 21-30). Anthony further discloses that the information may be transmitted via manual activation, a triggered event and/or periodic basis (col. 8, lines 4-7; col. 12, lines 25-30). The claimed invention differs in that a simplex satellite transmitter is used and that a motion determination unit may be used to initiate a change in the behavior of the monitoring device. Beken teaches a monitoring device which uses Low Earth Orbit satellites to transmit location information from a monitored device to a remote location (Abs.). Like Anthony, Beken includes a power management means for periodically powering up the device in response to a triggering event or timed schedule (col. 5, lines 38-50). Triggering events may be the result of movement of the device as detected by a vibration sensor (col. 3, lines 28-35; col. 4, lines 60-67). Beken discloses that the communications between the monitoring device and remote location are carried out via a network of Low Earth Orbit satellites which relay the information. Although Anthony and Beken both appear to use transceivers to transmit the information, it was well-known in the art to utilize simplex

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satellite communications where one-way communications was acceptable for the given application. One of ordinary skill in the art would have found it obvious to use simplex satellite transmitters whereby the advantage would have been a less complex and less expensive system (see Vaddiparty, [0028]). Since Anthony and Beken disclose embodiments in which two-way communication (duplex) is not required, one of ordinary skill in the art would have been motivated to use the simplex satellite communications for the recognized advantages noted above.

Claims 1, 22 and 37 have been amended to include a randomly adjusted interval schedule for disabling/enabling power. However, it was known in the remote monitoring art to utilize randomly adjusted interval schedules to conserve power (see as exemplary Guthrie (cols. 2, 5) and Hamel [0077]). One of ordinary skill in the art would have found it obvious to include the random interval schedules because it would have conserved power.

B. As per claims 2, 3, 18-21 and 27, as above whereby both Anthony and Beken use GPS signals to determine location of the mobile asset. The power management unit controls battery power to the other circuits as detailed above. Further, as noted above Beken detects motion of the monitored device using a vibration sensor whereby the monitoring system is powered up upon sensing the motion (see Beken, col. 4, lines 60-67).

C. As per claim 4, as above whereby Vaddiparty discloses that the simplex satellite communications involves a bent-pipe configuration for repeatedly relaying the transmitted signal from the monitored device to the remote location (see [0010], [0020]).

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D. As per claims 5, 7-9, 11-17, 23, 24, 26 and 36, as above wherein both Anthony and Beken discloses various modes of activating the monitoring system including alarm inputs, triggering events, timed schedules and/or motion detection (Anthony: col. 5, lines 15-23; col. 8, lines 4-6; Beken: col. 4, lines 60-67; col. 5, lines 46-50). In addition, Vaddiparty suggests using sensor inputs as triggering events [0027]. One of ordinary skill in the art would have found it obvious to configure the triggering events/conditions/schedules based on the particular monitoring application.

E. As per claim 28, as above whereby both the systems of Anthony and Beken are computer-based and perform functions according to executable programs (Anthony: col. 10, lines 29+; Beken: col. 5, lines 42-50).

F. As per claims 10 and 25, as noted above relative to claims 1 and 22.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest (US 6,512,478-col. 3, lines 40-56; US 5,801,643-col. 3, lines 31-34).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969.

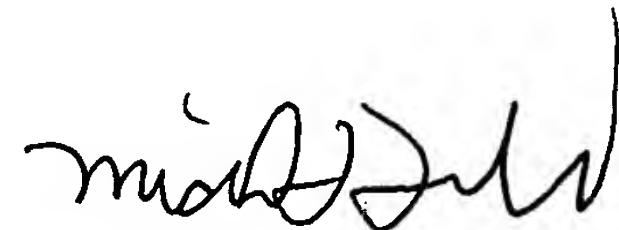
The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjz



MICHAEL J. ZANELLI
PRIMARY EXAMINER